

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0629

ORIGINAL

BARRY ALONZO HEATH,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

FILED

MAR 01 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Lisa S. Korchinski, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until April 15, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 1st day of March, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: *Lisa S. Korchinski*
LISA S. KORCHINSKI

Assistant Appellate Defender

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.

2. In my capacity as Chief Appellate Defender, I have assigned Lisa S. Korchinski to handle the above-entitled matter.

3. The Appellant's opening brief is presently due on March 1, 2010.

4. Ms. Korchinski is in the midst of reviewing the case file which dates back to 2001. She will remain in contact with her client regarding the progress of his case progress.

5. Ms. Korchinski cannot meet the present deadline for filing the Appellant's brief.

6. Ms. Korchinski will work diligently to complete the matter in the time requested.

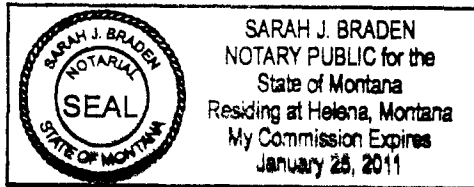
7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.

Joslyn Hunt
Joslyn Hunt

SUBSCRIBED AND SWORN to before me this 1st day of

March, 2010.



Sarah J. Braden
Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401

JOHN PARKER
Cascade County Attorney
121 Fourth Street North
Great Falls, MT 59401

BARRY HEATH
c/o Sherrie Bertrand
1900 North Oaks
Helena, MT 59601

DATED: 3/1/2010

Sarah J. Braden